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# Appeal Decision

Site Visit made on 15 June 2021

**by M Russell BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 July 2021**

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**Appeal Ref: APP/N4720/W/20/3261137**

**Platform Building, New Station Street, Leeds LS1 4JB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by EE Ltd & Hutchinson 3G UK Ltd against the decision of Leeds City Council.
  - The application Ref 20/02517/DTM, dated 21 March 2020, was refused by notice dated 2 October 2020.
  - The development proposed is described as 'NTQ Replacement GPDO Application for Proposed 5G (Fourth Generation) Equipment'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appeal forms refer to the appellant as being 'MBNL'. However, confirmation has subsequently been provided that 'MBNL' are the same entity as the original applicant 'EE Ltd & Hutchinson 3G UK Ltd'. Accordingly, I have referred to 'EE Ltd & Hutchinson 3G UK Ltd' as being the appellant for the purposes of my decision. I have taken the description of the proposal from the appellant's submission letter provided with the appeal documentation.
3. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

## Main Issue

5. In light of the above, the main issue is the effect of the siting and appearance of the development upon the character and appearance of the area, including the Leeds City Centre Conservation Area (CA) and the settings of nearby listed buildings.

## Reasons

6. The Platform Building is a flat roofed thirteen-storey office building next to Leeds railway station. It sits outside but close to the southern boundary of the CA. The significance of the CA derives from the scale of its buildings, the variety of its often high quality architecture and its network of streets in one of the busiest concentrations of pedestrian and public transport activity in Leeds city centre.
7. Many buildings in and around the CA are listed including some of the buildings in City Square which is situated in close proximity to the appeal site. These include the Grade II Listed buildings at 'The Observatory' with its distinctive copper-covered dome, and the classical style 'Queens Hotel'. These particular listed buildings frame the Platform Building in views from the north when approaching from Park Row. There are several other buildings of significance in the area including the gothic revival style Grade II\* Listed 'Mill Hill Chapel'. A number of Grade II listed buildings are also located along Park Row which itself provides an extended vista towards City Square with the north facing facades of the Platform Building visible beyond.
8. In views towards the south along Park Row and from within City Square towards the Platform Building, roof profiles are largely uninterrupted by bulky vertical apparatus. Indeed, the existing telecommunications dishes on the roof of the host building are low in height and are not highly perceptible from ground level. Consequently, whilst comparable in scale to Queens Hotel, the architecture of the Platform Building forms a relatively understated backdrop to the architectural splendour of this listed building. The minimalist approach to rooftop additions in the area gives consistency to the roofscape and forms an integral part of a generally high-quality built environment. This also makes a positive contribution to the character and appearance of the CA and the setting of the listed buildings in the area.
9. In addition to my observations on site, I have given regard to the visualisations provided by the appellant and the zones of theoretical visibility in making my assessment.
10. The proposed installation would include six antenna, to be dispersed in pairs at three points along the roof of the host building and mounted on 5.5 metre long support poles. Each pair of antennas would significantly protrude above the roof line and would appear relatively bulbous, disrupting the clean horizontal roof lines of the host building. As a result, the siting and appearance of the proposals would detract from the consistency and general high quality of the surrounding built environment. In particular, it would erode the visual quality of the skyline in views through the CA and in vistas incorporating both the Platform Building and listed buildings in the area. The harm identified would be most evident to those approaching the site from the south along Park Row and travelling through City Square towards the Queens Hotel.
11. In the context of paragraph 196 of the Framework, the development proposal would lead to less than substantial harm to the significance of the CA and the setting of listed buildings. Whilst the provision of the telecommunication apparatus would seek to improve mobile phone 5G coverage in the area, with clear associated economic and social benefits, these benefits would not outweigh the less than substantial harm that would be caused to the setting of the CA or the setting of the listed buildings identified having regard to the great

weight that I must attach to their conservation. Furthermore, such benefits would not outweigh the significant harm that would be caused by the proposal to the character and appearance of the area.

12. I conclude that the development would not be acceptable in terms of its siting and appearance. Whilst the proposal would deliver economic and social benefits in accordance with paragraph 112 of the Framework, this would not outweigh the harm that would be caused to the character and appearance of the area including to the Leeds City Centre CA and the settings of nearby listed buildings.
13. From a siting and appearance perspective, the proposals would also conflict with the good design and conservation aims of Policies P10 (Design) and P11 (Conservation) of the Leeds City Council Core Strategy (2019) and the Framework.
14. I have not been provided with a copy of Saved Policy GP5 of the Leeds Unitary Development Plan (2006). Even so, this does not alter my findings.

### **Other Matters**

15. The proposal seeks to replace an existing telecommunications installation at the Hilton Hotel in the city centre following a 'Notice to Quit' (NTQ) at that location as part of HS2 proposals to demolish that building. In this regard, I acknowledge that the loss of the existing installation has the potential to leave a gap in telecommunications coverage. I also accept that the Framework encourages the use of existing masts, buildings and other structures for new electronic communications capability.
16. Notwithstanding the above, the Site Specific Supplementary Information (SSSI) only includes four discounted sites which, given the density of the city centre's built environment, appears particularly sparse. I would have expected more specific details of the relevant search area available to meet the network coverage requirements and then a more robust assessment of potential sites within that area. In the absence of these details, I am not persuaded by the evidence before me that the proposal represents the least visually intrusive option nor that harm that would result from the siting and appearance of the appeal proposals, including that to heritage assets, would be justified.

### **Conclusion**

17. For the reasons given above, I conclude that the appeal should be dismissed.

*M Russell*

INSPECTOR